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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,601	01/09/2002	David John Weaver	RCA 88813	6446

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

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04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/030,601	Applicant(s) WEAVER ET AL.	
	Examiner PRAMILA PARTHASARATHY	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

2. Applicant's submission filed on March 25, 2008 has been entered and made of record.

Response to Arguments

3. Applicant's arguments filed on March 25, 2008 have been fully considered.

With respect to amended Claims 1, 10 and 14, applicant primarily argues that Chan (U.S. Patent 6,233,683) does not anticipate "verifying that an entitlement, which represents a right to download and use the selected content". This argument is not persuasive.

Examiner now points out that the admitted prior art Chan, in fact, discloses, "a right to download content (application) when verification of entitlement (information saved on card" and further provides blocking of usage of card which verifies by invoking security domain decryption service and signature check (See Chang Fig. 12A and 12B; 13 and associated text).

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the subject matter broadly recited in amended and new independent claims. The dependent claims are rejected at least by virtue of their dependency on the dependent claims. Accordingly, the rejection for the pending claims is respectfully maintained.

Examiner suggests amending the claims with the subject matter "verifying that an entitlement, which represents a **future** right to download and use the selected content", which is

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disclosed in page 4 lines 16 – 23 to distinguish the instant application claims with the admitted prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 recites “updating an entitlement database on said integrated circuit card after the entitlement is used to download said selected content”. Even though instant specification discloses “The smart card 104 comprises a database 126 for receiving and storing entitlements associated with various software applications 122 or other reusable server content” (see page 7 lines 15 – 18), instant specification does not disclose “updating an entitlement database on said integrated circuit card after the entitlement is used to download said selected content”.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 5, 7 – 10 and 12 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (U.S. Patent Number 6,233,683).

Regarding Claim 1, Chan teaches receiving via the terminal an input selecting content provided from the server (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

verifying that an entitlement, which represents a right to download and use the selected content, and is contained in the integrated circuit card is correct for operatively receiving the selected content (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

receiving the selected content from the server via the terminal in (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

storing the selected content in a memory of the terminal that is separate and spaced apart from the integrated circuit card; and verifying that the entitlement is correct for reuse when reuse of the selected content is attempted (Column 3 lines 38 – 45 and Column 12 lines 14 – 67).

Regarding Claim 10, Chan teaches a processor for processing the download of the content from the server, a memory for receiving and storing the downloaded content and an interface circuit for receiving an integrated circuit card; wherein the integrated circuit card is separate and spaced apart from the memory (Column 3 lines 38 – 45; Column 4 line 52 – Column 5 line 51 and Column 12 lines 14 – 53);

wherein the integrated circuit card provides an entitlement message, representing a right to download and use the selected content, enabling said apparatus to download the content from the server, the integrated circuit card containing an entitlement database for storing a plurality of entitlement messages each associated with particular content (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

and wherein the integrated circuit card provides the entitlement message enabling said apparatus to reuse the content after being downloaded from the server and stored in memory (Column 3 lines 38 – 45 and Column 12 lines 14 – 46).

Regarding Claim 14, Chan teaches a receiver communicatively coupled to a server and adapted to receive reusable content from the server (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

an integrated card interface adapted receive an integrated circuit card (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

a memory that is separate and spaced apart from the integrated circuit card (Column 3 lines 38 – 45 and Column 4 lines 52 – 61);

a processor coupled to the receiver, the integrated card interface, and the memory, the processor enabling reusable content from the server to be received and stored in the memory in response to entitlement information, which represents a right to download and use the selected content, received from the integrated circuit card via the integrated card interface, the processor enabling reuse of the reusable content stored in memory in response to entitlement information received from the integrated circuit card via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Claim 2 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the selected content is a software application (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claims 3 and 16 are rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the selected content includes video content (Column 5 lines 17 – 51).

Claims 4 and 12 are rejected applied as above in rejecting Claims 1 and 10. Furthermore, Chan teaches wherein the integrated circuit card contains preloaded entitlements authorizing said reuse of the selected content (Column 5 line 52 – Column 6 line 19).

Claim 5 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the entitlement is loaded into the integrated circuit card from the server (Column 8 lines 10 – 54).

Claim 8 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches updating an entitlement database on said integrated circuit card after the entitlement is used to download said selected content (Column 7 line 51 – 65).

Claim 9 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches downloading the entitlement for a desired content; and storing the entitlement into said integrated circuit card (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claims 7, 13 and 15 are rejected applied as above in rejecting Claims 1, 10 and 14. Furthermore, Chan teaches wherein the reusable content is encrypted, and further comprising: decrypting the encrypted part of the selected content provided from the server as a function of the entitlement when one of use and reuse of the selected content is attempted (Column 12 lines 14 – 53).

Claim 17 is rejected applied as above in rejecting Claim 14. Furthermore, Chan teaches the processor adapted to cause the new entitlement information received via the receiver to be transmitted to the integrated circuit card via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Pramila Parthasarathy/
Examiner, Art Unit 2136
April 27, 2008